



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

July 7, 1947

Hon. William N. Hensley
Criminal District Attorney
Bexar County
San Antonio 5, Texas

Opinion No. V-298

Re: Whether or not a
bag limit on Col-
lared Peccary or
Javelina exists
in certain coun-
ties under House
Bill No. 758, Acts
of the 50th Legis-
lature.

Dear Mr. Hensley:

Your request for an opinion on the above cap-
tioned subject reads as follows:

"I am hereby requesting an opinion as
to the interpretation of House Bill No.
758 found in 1947 Vernon's Texas Session
Law Service, April 26, - May 14, 1947, is-
sue.

"It seems as though Article 879G-3
of the Penal Code provided for a bag
limit of two Collared Peccaries during
the open season of any one year. House
Bill No. 758, which specifically repeals
House Bill No. 123 and pertains to the
same subject matter, is not very clear
as to whether or not at present there
is a bag limit on Javelinas. Please ad-
vise this office as soon as possible as
to your interpretation of House Bill 758
in regard to the bag limit."

House Bill No. 884, Acts of the 46th Legisla-
ture, 1939, Chapter 78, page 831, as amended by House
Bill No. 1109, Acts of the 46th Legislature, 1939, Chap-
ter 79, page 832, provides for a state-wide closed season
on Collared Peccary or Javelina, with the exception of a
period from November 16 to January 1 of each year, pro-
viding that no persons shall take in any one season more

than two Collared Peccary or Javelina.

House Bill No. 758, Acts of the 50th Legislature, 1947, Chapter 160, page 264, reads as follows:

"Section 1. Section 1a of Acts 1939, Forty-sixth Legislature, Special Laws, page 831, as amended by Acts, 1941, Forty-seventh Legislature, page 445, Chapter 281, Section 1, and Acts, 1945, Regular Session, Forty-ninth Legislature, Chapter 110, page 158, is hereby amended to read as follows:

"Section 1a. Provided, however, that it shall be lawful to take, capture, shoot, or kill Collared Peccary or Javelina in the Counties of Crockett, Dimmit, Frio, Kinney, La Salle, Maverick, Medina, McMullen, Starr, Uvalde, Val Verde, Webb, Zapata, and Zavala, Texas, at any time, and an open season for Collared Peccary or Javelina in such Counties is hereby declared. Provided further, that it shall be unlawful in such Counties to have or take any Collared Peccary or Javelina, or any part of same, in possession for the purpose of barter or sale, or to sell or to offer for sale any Collared Peccary or Javelina, or any part of same, and any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50); and each Collared Peccary or Javelina, or any part thereof, taken or possessed or offered for sale or possessed for the purpose of sale or sold, in violation of this Act shall constitute a separate offense." (Emphasis added).

"Sec. 2. All laws or parts of laws in conflict with this Act are hereby repealed, and House Bill No. 123, Acts of the Fiftieth Legislature, heretofore enacted is hereby specifically repealed.

"Sec. 3. The fact that Javelina populations in Crockett, Frio, Kinney, La Salle, Maverick, Medina, McMullen, Uvalde, Val Verde, and Zavala Counties are threatening domestic crops creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be and the same is hereby suspended, and this Act shall become in full force and effect from and after its passage, and it is so enacted."

House Bill 758 is the last of several amendments, the first of which was passed in 1941, providing a section 1a to the original 1939 Acts, exempting certain counties from the terms of the 1939 Acts and providing for an open season in such counties. Each amendatory act is identical except that in each amendment additional counties were included in Section 1a, and that House Bill No. 758 declares an emergency.

From 39 Texas Jurisprudence, we quote:

"Primarily the intention and meaning of the Legislature must be ascertained from the language of the statute read as a whole, that is, from the entire context of the law. If the statutory language clearly and distinctly reveals the legislative intent, there is no occasion to look elsewhere." (numerous cases cited).

It was obviously the intent of the Legislature to declare an open season on Collared Peccary or Javelina, without a bag limit, in the counties enumerated in Section 1a in view of the fact that Javelina population in said counties was threatening domestic crops.

It is, therefore, the opinion of this department that at present there is no bag limit on Collared Peccary or Javelina in the Counties of Crockett, Dimmit, Frio, Kinney, La Salle, Maverick, Medina, McMullen, Starr, Uvalde, Val Verde, Webb, Zapata, and Zavala. By virtue of the 1939 Acts there is, however, a closed season and a bag limit in all other counties.

Hon. William N. Hensley, Page 4, V-298.

SUMMARY

No bag limit at present exists on Collared Peccary or Javelina in the Counties of Crockett, Dimmit, Frio, Kinney, La Salle, Maverick, Medina, McMullen, Starr, Uvalde, Val Verde, Webb, Zapata, and Zavala. There is, however, a closed season and a bag limit in all other counties.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Artie Stephens*
Artie Stephens
Assistant

AS/mc/rt/jmc

APPROVED:

Price Daniel
ATTORNEY GENERAL.